IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 482 OF 2007
IN
CRIMINAL APPEAL NO. 332 OF 2007

Lochana Eknath Choudhary ..Applicant
(Ori. Accused No.3)

versus

State of Maharashtra ..Respondents

Mr. V. Shivelkar for the Applicant - Original Accused No.3.

Mr. P. A. Pol, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
SMT. NISHITA MHATRE, JJ.

DATE : 25TH APRIL, 2007.

P.C.

1. Heard.

2. This is an application for bail by the Applicant - original accused No.3 who has been convicted along with Accused Nos. 1 and 2 under Sections 498A, 302 of IPC and sentenced to imprisonment for life. There were two dying declarations of the deceased, who was the wife of the original accused No.1. In both these dying

declarations, the only role that is attributed to the applicant - original accused No.3 is that even though the applicant - accused No. 3 was present, she did not try to prevent the accused Nos. 1 and 2 from putting the deceased on fire, but she was saying that the deceased should die. The applicant - original accused No.3 was on bail during trial as per the statement of the Advocate for the applicant - original accused No.3.

3. Considering the role attributed as considered in paragraph 89 of the judgment of the trial court, this application deserves to be allowed.

4. In view of the above, Application is allowed. Applicant - original accused No.3 be released on her P.R. bond of Rs.5,000/- (Rupees Five Thousand) with one solvent surety in the like amount. Her substantive sentence is suspended pending Appeal. Application is disposed of accordingly.

(SMT. NISHITA MHATRE, J.) (D.G. DESHPANDE, J.)